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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/441,729	11/16/1999	ERIC DAVID BLOCH	SGI-15-4-934	4930

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EXAMINER

DEMICO, MATTHEW R

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 04/07/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/441,729

Applicant(s)

BLOCH ET AL.

Examiner

Matthew R Demicco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed 1/9/04. Claims 1-19 are pending. Claims 7 and 11 are amended. The objections to the drawings and specification are hereby withdrawn in light of the amendment. In the Introductory Comments, Applicant stated that there were no known foreign equivalents and the previous Office Action was in error on this point. The Examiner was referring to a list of references including PCTs and other international patent publications filed concurrently with a power of attorney request on 9/3/02 (Paper Number 6). Since these documents were not provided in hard copy, the Examiner was unable to fully consider all references listed.

Response to Arguments

2. Applicant's arguments filed with respect to claims 1-19 have been fully considered but they are not persuasive.

Regarding Applicant's argument that the Langford patent fails to teach rendering, the Examiner refers to The American Heritage Dictionary, 4th Edition, which defines "rendering" as "To convert (graphics) from a file into visual form, as on a video display." Langford teaches the storing and playback of video data from a set of laser disk players (Col. 4, Line 40 and Col. 5, Lines 4-14). As is well understood in the art, a laser disk stores video and audio content in a digital format. Consequently, data stored on a laser disk may be considered a file. The laser disk player converts the data into a visual form as is well known in the art. It is also possible for the laser disk player to produce a digital bit

stream that will be converted into visual form by another device. This reads on the claimed rendering. Further, Langford discloses the use of a disk drive for storage of video and audio data (Col. 16, Lines 24-29). As is well known in the art, digital data stored on a magnetic disk drive must be rendered prior to display. Langford clearly teaches the playback and display or recording of a finished work as defined by an edit list including segments from multiple video sources and transitions (Col. 7, Lines 38-43, Col. 6, Lines 10-14, Col. 3, Lines 30-36, Col. 9, Lines 26-28 and Col. 15, Lines 63-66).

3. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Langford discloses a method for editing, playing back and recording video clips from multiple *digital* sources. Langford also discloses the possibility of storing data on a magnetic disk as stated above. DuLac discloses a storage network for storing video data on a server using disks and for providing real time access to the data in a continuous transmission at the proper rate for uninterrupted video display. DuLac clearly discloses a method for storing and retrieving video data, which is an integral function of the invention of Langford. Therefore, as previously asserted, it would have been obvious and desirable to combine the teachings of Langford and DuLac in order to provide a video editing, playback and recording system that

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could access libraries of video content over a network simultaneously with other such systems in remote locations.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,206,929 to Langford et al. in view of U.S. Patent No. 5,790,794 to DuLac et al.

Regarding Claim 1, Langford discloses a video editing system (See Figure 2) comprising a plurality of video sources (50) and a workstation for receiving video clips (31) and displaying them (35). It is inherent in such a video editing system that a method of playing media data is facilitated by the editing system. A user creates a playlist (Col. 4, Lines 32-44) that specifies a first and second clip to be added to the production (Col. 4, Lines 48-57). The user can display these playlist clips (See Figure 9) to preview cuts and scenes. This reads on the claimed accessing a playlist wherein the playlist specifies a first and second clip to be played. Further, the user may mark "in" and "out" frames of these clips in the playlist to specify scenes to cut for inclusion in a finished production (Col. 7, Lines 14-20). The software then identifies the groups of frames for each of the edits (Col. 4, Lines 47-57) and requests/receives (Col. 5, Lines 4-24) the specified frame-accurate video data from the random access video sources (Col. 3, Lines 20-25). This reads on the

claimed translating the playlist into a plurality of frame accurate requests that specify first and second respective frames of the first and second clip, transmitting the requests, and receiving the frames. Further, it is inherent in any video editing system that in rendering video frames, a predetermined framerate must be implemented and that the final video production will be a seamless combination of first and second sets of frames. What is not disclosed, however, is that the media data is stored over a data network or that the first frame of the second set of frames is received prior to rendering of the last frame of the first set of frames. DuLac discloses a video storage system wherein a plurality of servers (See Figure 2, 52) store video data (See Figure 3) that is accessible over a communications network (See Figure 2, 56) by a client workstation (54). DuLac further discloses that it is necessary to maintain a continuous transmission of data at a proper rate in order to assure that video display is uninterrupted (Col. 9, Lines 42-46). It is inherent in such real-time network-based data delivery systems that data may be buffered on the receiving side in order to ensure smooth playback, such that the first set of frames from the second video source would be received and buffered before the last set of frames from the first video source is exhausted. DuLac is evidence that ordinary workers in the art would appreciate the ability to store large amounts of video data on multiple dedicated server machines accessible over a network that can deliver the data in real-time. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Langford with the network-based storage of DuLac in order to make a vast amount of video clip storage available to a plurality of clients in diverse locations.

Regarding Claim 2, Langford in view of DuLac disclose a method as stated above in Claim 1. Langford discloses that video content may be stored on multiple different sources (See Figure 2, 50). Further, DuLac discloses a method wherein multiple servers may be used to store video content (See Figure 2). Therefore, the combination of Langford in view of DuLac would disclose a first source comprising a first server coupled to the data network and a second source comprising a second server coupled to the network.

Regarding Claims 3 and 4, Langford in view of DuLac disclose a method as stated above in Claim 1. Langford discloses a method wherein the first and second plurality of frame accurate requests each specifies a respective one of said first and second respective frames (Col. 4, Lines 47-57).

Regarding Claim 5, Langford in view of DuLac disclose a method as stated above in Claim 1. Langford further discloses the use of a jog control (See Figure 13), which, as is well known in the art, is used to control the framerate of the video playback. This reads on the claimed method wherein the predetermined framerate is adjustable by a user.

Regarding Claim 6, Langford in view of DuLac disclose a method as stated above in Claim 1. Langford further discloses a method wherein the media data comprises audio (Col. 5, Line 25) and video (Col. 5, Line 15).

Regarding Claim 7, Langford in view of DuLac disclose a system for playing media data over a network as stated above in Claim 1. DuLac further discloses a client computer (54) coupled to the data network. Langford discloses a client computer (31) with a user interface (See Figure 9) for receiving a playlist from a user as stated above.

Such a system that translates the playlist into a plurality of frame accurate requests must inherently have a playback engine.

Regarding Claim 8, Langford in view of DuLac disclose a system as stated above in Claim 7. DuLac discloses a system with first and second servers (See Figure 2) as stated above wherein each server comprises data storage (See Figure 3) for storing said first and second clips.

Regarding Claim 9, Langford in view of DuLac disclose a system as stated above in Claim 7. Langford discloses a system wherein the user interface (See Figure 9) allows a user to specify a beginning frame and ending frame of a clip to be played as stated above.

Regarding Claims 10 and 11, Langford in view of DuLac disclose a system as stated above in Claim 7. Further, a system is disclosed wherein a first and second plurality of frame accurate requests each specifies a respective one of the first and second plurality of frames as stated above in Claims 3 and 4.

Regarding Claim 12, Langford in view of DuLac disclose a system as stated above in Claim 7. Further, a system is disclosed wherein the predetermined framerate is adjustable by the user as stated above in Claim 5.

Regarding Claim 13, Langford in view of DuLac disclose a system as stated above in Claim 7. Further, a system is disclosed wherein the media data comprises audio and video data as stated above in Claim 6.

Regarding Claim 14, Langford in view of DuLac disclose a system for playing media data over a network as stated above in Claim 1. It is inherent in such a computer-

based system that a computer readable medium (memory) containing computer readable code (software) be disclosed.

Regarding Claim 15, Langford in view of DuLac disclose a medium as stated above in Claim 14. Further disclosed is a system wherein the first and second source comprise a first and second server coupled to the network as stated above in Claim 2.

Regarding Claim 16 and 17, Langford in view of DuLac disclose a medium as stated above in Claim 14. Further, a system is disclosed wherein a first and second plurality of frame accurate requests each specifies a respective one of the first and second plurality of frames as stated above in Claims 3 and 4.

Regarding Claim 18, Langford in view of DuLac disclose a medium as stated above in Claim 14. Further, a system is disclosed wherein the predetermined framerate is adjustable by a user as stated above in Claim 5.

Regarding Claim 19, Langford in view of DuLac disclose a medium as stated above in Claim 14. Further disclosed is a system wherein the media data comprises audio and video data as stated above in Claim 6.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew R Demicco whose telephone number is (703) 305-8155. The examiner can normally be reached on Mon-Fri, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



mrd
April 1, 2004



VIVEK SRIVASTAVA
PRIMARY EXAMINER